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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th January, 1985:—

I

BILL No. III OF 1985

A Bill further to amend the General Insurance Business (Nationalisation) Act, 1972.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the General Insurance Business (Nationalisation) Amendment Act, 1985.

(2) It shall be deemed to have come into force on the 17th day of September, 1984.

57 of 1972. 2. In section 3 of the General Insurance Business (Nationalisation) Act, 1972 (hereinafter referred to as the principal Act), in clause (o), after the words and figures "framed under section 16", the words, figures and letter "and also includes a scheme framed under section 17A" shall be inserted.

3. In section 16 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:—

"(8) The power to frame a scheme under sub-section (1), and the power conferred by sub-section (6) to add to, amend or vary any

Short
title
and
com-
mence-
ment,
Amend-
ment of
clause (o)
of sec-
tion 3.

Amend-
ment of
section 16.

scheme framed under this section, shall include the power to frame such scheme with retrospective effect from a date not earlier than the appointed day.”.

Insertion
of new
Chapter
VA.

4. In the principal Act, after Chapter V, the following Chapter shall be inserted, namely:—

“CHAPTER VA

TERMS AND CONDITIONS OF SERVICE OF OFFICERS AND OTHER EMPLOYEES

Power of
Central
Govern-
ment to
regulate
the
terms
and
condi-
tions of
service
of offi-
cers and
other
em-
ployees.

17A. (1) The Central Government may, by notification in the Official Gazette, frame one or more schemes for regulating the pay scales and other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company.

(2) A scheme framed under sub-section (1) may add to, amend or vary any scheme framed under section 16 [including any addition, amendment or variation made therein by notification under sub-section 6) of section 16] with respect to rationalisation or revision of pay scales and other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company, to provide for further rationalisation or revision of such pay scales and other terms and conditions of service notwithstanding that such further rationalisation or revision is unrelated to (or unconnected with, the amalgamation of insurance companies or merger consequent on nationalisation of general insurance business.

(3) The Central Government may, by notification, add to, amend or vary any scheme framed under this section.

(4) The power to frame a scheme under sub-section (1), and the power conferred by sub-section (3) to add to, amend or vary any scheme framed under this section, shall include the power to frame such scheme, or, as the case may be, to make such addition, amendment or variation in any scheme framed under this section, with retrospective effect from a date not earlier than the appointed day.

(5) A copy of every scheme, and every amendment thereto, framed under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(6) The provisions of this section and of any scheme framed under it shall have effect notwithstanding anything to the contrary contained in any other law or any agreement, award or other instrument for the time being in force.”.

Valida-
tion.

5. (1) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or in any other law, agreement, award or other instrument for the time being in force, every scheme framed or purporting to have been framed with retrospective effect under sub-section (1) of section 16 of the principal Act and every notification made or purporting to have been made with retrospective effect under sub-section (6) of that section before the commencement of the General Insurance Business (Nationalisation) Amendment Act, 1985 shall be, and shall be deemed always to have been, for all purposes, as

valid and effective as if the amendment made in the said section 16 by section 3 of this Act had been part of that section and had been in force at all material times.

(2) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or in any other law, agreement, award or other instrument for the time being in force,—

(a) every scheme framed, or purporting to have been framed, by the Central Government under sub-section (1) of section 16 of the principal Act; and

(b) every notification made, or purporting to have been made, by the Central Government under sub-section (6) of the said section 16.

before the commencement of the General Insurance Business (Nationalisation) Amendment Act, 1985, in so far as such scheme or notification provides (whether with or without retrospective effect) for any rationalisation or revision of pay scales or other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company, otherwise than in relation to, or in connection with, amalgamation of insurance companies or merger consequent on nationalisation of general insurance business shall be, and shall be deemed always to have been, for all purposes, as valid and effective as if section 17A, as inserted in the principal Act by section 4, of this Act had been part of the principal Act, and had been in force at all material times and such schemes or notification in so far as it provides as aforesaid had been framed or made, under the said section 17A:

Provided that nothing in this section shall apply to, or in relation to, the notification dated the 30th day of September, 1980, framing the General Insurance (Nationalisation and Revision of Pay Scales and Other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Second Amendment Scheme, 1980.

Explanation.—In this section, the expressions “acquiring company” and “Corporation” shall have the meanings respectively assigned to them in the principal Act.

10 of 1984. 6. (1) The General Insurance Business (Nationalisation) Amendment Ordinance, 1984, is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance; shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In *Ajay Kumar Banerjee vs. Union of India* (AIR 1984 SC 1130) the Supreme Court held that section 16 of the General Insurance Business (Nationalisation) Act, 1972 does not permit the framing of any scheme which is unconnected with, or unrelated to, the merger of one insurance company with another insurance company or the formation of a new company by the amalgamation of two or more insurance companies. In order to control the cost of administration in the interests of the General Insurance Corporation of India and the acquiring companies and their policy holders, Government considered it necessary to vest itself with powers to frame further schemes of rationalisation or revision of pay scales and other conditions of service applicable to officers and other employees and also to confer on the Central Government other necessary powers and to revalidate the existing scheme and other actions taken in the past. Hence the President promulgated on the 17th September, 1984, the General Insurance Business (Nationalisation) Amendment Ordinance, 1984 to amend the General Insurance Business (Nationalisation) Act, 1972 to empower the Central Government to frame further schemes of rationalisation or revision of pay scales and other terms and conditions of service of all officers and other employees of the Corporation and of the acquiring companies and for matters connected therewith or incidental thereto.

2. The Bill seeks to replace the said Ordinance.

NEW DELHI;

The 15th January, 1985.

VISHWANATH PRATAP SINGH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to insert section 17A, under a new Chapter VA, so as to vest the power in the Central Government to make schemes for regulating the pay scales and other terms and conditions of service of officers and other employees of the Corporation, etc. It is also provided that under new section 17A and under section 16 (*vide* clause 3) schemes can be made with retrospective effect.

The matters in respect of which schemes may be made by the Central Government pertain to matters of procedure or detail and the power to frame the schemes with retrospective effect is being taken with a view to securing the proper rationalisation of pay scales and the other terms and conditions of service of the employees of the Corporation, etc. Provision has also been made for the laying of the schemes so made before each House of Parliament. In the circumstances, the delegation of legislative power is of a normal character.

II

BILL NO. I OF 1985

A Bill to provide for the constitution of a Planning Board for the preparation of a plan for the development of the National Capital Region and for co-ordinating and monitoring the implementation of such plan and for evolving harmonized policies for the control of land-uses and development of infrastructure in the National Capital Region so as to avoid any haphazard development of that region and for matters connected therewith or incidental thereto.

WHEREAS it is expedient in the public interest to provide for the constitution of a Planning Board for the preparation of a plan for the development of the National Capital Region and for co-ordinating and monitoring the implementation of such plan and for evolving harmonized policies for the control of land-uses and development of infrastructure in the National Capital Region so as to avoid any haphazard development thereof;

AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid, except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of the provisions of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of Haryana, Rajasthan and Uttar Pradesh to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and com-
mence-
ment,

1. (1) This Act may be called the National Capital Region Planning Board Act, 1985.

(2) It shall be deemed to have come into force on the 19th day of October, 1984.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Board” means the National Capital Region Planning Board constituted under sub-section (1) of section 3;

(b) “Committee” means the Planning Committee constituted under sub-section (1) of section 4;

(c) “counter-magnet area” means an urban area selected by the Board under clause (f) of section 8;

(d) “Functional Plan” means a plan prepared to elaborate one or more elements of the Regional Plan;

(e) “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(f) “National Capital Region” means the areas specified in the Schedule:

Provided that the Central Government with the consent of the Government of the concerned participating State and in consultation with the Board, may, by notification in the Official Gazette, add any area to the Schedule or exclude any area therefrom;

(g) “participating States” means the States of Haryana, Rajasthan and Uttar Pradesh;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “Project Plan” means a detailed plan prepared to implement one or more elements of the Regional Plan, Sub-Regional Plan or Functional Plan;

(j) "Regional Plan" means the plan prepared under this Act for the development of the National Capital Region and for the control of land-uses and the development of infrastructure in the National Capital Region;

(k) "regulations" means regulations made by the Board under this Act;

(l) "sub-region" means such part of the National Capital Region as falls entirely within the limits of a participating State or the Union territory;

(m) "Sub-Regional Plan" means a plan prepared for a sub-region; and

(n) "Union territory" means the Union territory of Delhi.

CHAPTER II

THE NATIONAL CAPITAL REGION PLANNING BOARD

3. (1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act, a Board, to be called the National Capital Region Planning Board.

Constitution and incorporation of the Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding twenty-one, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) the Union Minister for Works and Housing, who shall be the Chairman of the Board;

(b) the Chief Minister of the State of Haryana;

(c) the Chief Minister of the State of Rajasthan;

(d) the Chief Minister of the State of Uttar Pradesh;

(e) the Administrator of the Union territory;

(f) eight members, to be nominated by the Central Government, on the recommendation of the participating States and the Administrator of the Union territory;

Provided that not more than two members shall be nominated on the recommendation of a participating State, or, as the case may be, the Administrator of the Union territory;

(g) three other members, of whom one shall be a person having knowledge and experience in town planning, to be nominated by the Central Government;

(h) a full-time Member-Secretary of the Board, to be nominated by the Central Government from amongst officers of, or above, the rank of a Joint Secretary to, the Government of India;

Provided that no change shall be made in the composition of the Board by rules except with the consent of the Government of each of the participating States and of the Administrator of the Union territory.

(4) The terms and conditions of office of the members nominated under clause (f), clause (g) or clause (h) of sub-section (3) shall be such as may be prescribed.

Composition of the Planning Committee.

4. (1) The Board shall, as soon as may be, after the commencement of this Act, constitute a Committee, to be called the Planning Committee, for assisting the Board in the discharge of its functions.

(2) The Committee shall consist of such members as may be prescribed and unless the rules made in this behalf otherwise provide, the Committee shall consist of the following members, namely:—

(a) the Member-Secretary to the Board, who shall be the *ex-officio* Chairman of the Committee;

(b) the Joint Secretary to the Government of India in the Ministry of Works and Housing, in-charge of Housing and Urban Development, *ex-officio*;

(c) Secretary-in-charge of Urban Development in each participating State and the Union territory, *ex-officio*;

(d) the Vice-Chairman, Delhi Development Authority, *ex-officio*;

(e) the Chief Planner, Town and Country Planning Organisation, New Delhi, *ex-officio*; and

(f) the Chief Town Planner of each participating State, *ex-officio*.

Power to co-opt, etc.

5. (1) The Board or the Committee may, at any time and for such period as it thinks fit, co-opt any person or persons as a member or members of the Board or of the Committee.

(2) A person co-opted under sub-section (1) shall exercise and discharge all the powers and functions of a member of the Board or of the Committee, as the case may be, but shall not be entitled to vote.

Vacancies, etc., not to invalidate proceedings of the Board or the Committee.

6. No act or proceeding of the Board or of the Committee shall be invalid merely by reason of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or the Committee; or

(b) any irregularity in the procedure of the Board or of the Committee not affecting the merits of the case.

CHAPTER III

FUNCTIONS AND POWERS OF THE BOARD AND OF THE COMMITTEE

Functions of the Board.

7. The functions of the Board shall be—

(a) to prepare the Regional Plan and the Functional Plans;

(b) to arrange for the preparation of Sub-Regional Plans and Project Plans by each of the participating States and the Union territory;

(c) to co-ordinate the enforcement and implementation of the Regional Plan, Functional Plans, Sub-Regional Plans and Project Plans through the participating States and the Union territory;

(d) to ensure proper and systematic programming by the participating States and the Union territory in regard to project formulation, determination of priorities in the National Capital Region or sub-regions and phasing of development of the National Capital Region in accordance with stages indicated in the Regional Plan;

(e) to arrange for, and oversee, the financing of selected development projects in the National Capital Region through Central and State plan funds and other sources of revenue.

8. The powers of the Board shall include the powers to—

Powers of
the Board.

(a) call for reports and information from the participating States and the Union territory with regard to preparation, enforcement and implementation of Functional Plans and Sub-Regional Plans;

(b) ensure that the preparation, enforcement and implementation of Functional Plan or Sub-Regional Plan, as the case may be, is in conformity with the Regional Plan;

(c) indicate the stages for the implementation of the Regional Plan;

(d) review the implementation of the Regional Plan, Functional Plan, Sub-Regional Plan and Project Plan;

(e) select and approve comprehensive projects, call for priority development and provide such assistance for the implementation of those projects as the Board may deem fit;

(f) select, in consultation with the State Government concerned, any urban area, outside the National Capital Region having regard to its location, population and potential for growth, which may be developed in order to achieve the objectives of the Regional Plan; and

(g) entrust to the Committee such other functions as it may consider necessary to carry out the provisions of this Act.

9. (1) The functions of the Committee shall be to assist the Board in—

Functions
of the
Committee.

(a) the preparation and co-ordinated implementation of the Regional Plan and the Functional Plans; and

(b) scrutinising the Sub-Regional Plans and all Project Plans to ensure that the same are in conformity with the Regional Plan.

(2) The Committee may also make such recommendation to the Board as it may think necessary to amend or modify any Sub-Regional Plan or any Project Plan.

(3) The Committee shall perform such other functions as may be entrusted to it by the Board.

CHAPTER IV

THE REGIONAL PLAN

10. (1) The Regional Plan shall be a written statement and shall be accompanied by such maps, diagrams, illustrations and descriptive matters, as the Board may deem appropriate for the purpose of explaining or illustrating the proposals contained in the Regional Plan and every such map, diagram, illustration and descriptive matter shall be deemed to be a part of the Regional Plan.

Contents
of the
Regional
Plan.

(2) The Regional Plan shall indicate the manner in which the land in the National Capital Region shall be used, whether by carrying out development thereon or by conservation or otherwise, and such other matters as are likely to have any important influence on the development of the National Capital Region and every such Plan shall include the following elements needed to promote growth and balanced development of the National Capital Region, namely:—

(a) the policy in relation to land-use and the allocation of land for different uses;

(b) the proposals for major urban settlement pattern;

(c) the proposals for providing suitable economic base for future growth;

(d) the proposals regarding transport and communications including railways and arterial roads serving the National Capital Region;

(e) the proposals for the supply of drinking water and for drainage;

(f) indication of the areas which require immediate development as "priority areas"; and

(g) such other matters as may be included by the Board with the concurrence of the participating States and the Union territory for the proper planning of the growth and balanced development of the National Capital Region.

Surveys
and
studies.

11. For the preparation of the Regional Plan, the Board may cause such surveys and studies, as it may consider necessary, to be made by such person or group of persons as it may appoint in this behalf and may also associate such experts or consultants for carrying out studies in relation to such specific matters as may be determined by the Board.

Procedure
to be
followed
for the
preparation
of Regional
Plan.

12. (1) Before preparing any Regional Plan finally, the Board shall prepare with the assistance of the Committee a Regional Plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and in such manner as may be prescribed, inviting objections and suggestions from any person with respect to the draft Regional Plan before such date as may be specified in the notice.

(2) The Board shall also give reasonable opportunities to every local authority within whose local limits any land touched by the Regional Plan is situate, to make any representation with respect to the draft Regional Plan.

(3) After considering all objections, suggestions and representations that may have been received by the Board, the Board shall finally prepare the Regional Plan.

Date of
coming
into
operation
of the
Regional
Plan.

13. (1) Immediately after the Regional Plan has been finally prepared, the Board shall publish in such manner as may be prescribed a notice stating that the Regional Plan has been finally prepared by it and naming the places where a copy of the Regional Plan may be inspected at all reasonable hours and upon the date of first publication of the aforesaid notice, the Regional Plan shall come into operation.

(2) The publication of the Regional Plan, after previous publication, as required by section 12, shall be conclusive proof that the Regional Plan has been duly prepared.

14. (1) The Board may, subject to the provisions of sub-section (2), make such modifications in the Regional Plan as finally prepared by it, as it may think fit, being modifications which, in its opinion, do not effect important alterations in the character of the Regional Plan and which do not relate to the extent of land-uses or the standards of population density.

Modifica-
tions of
the
Regional
Plan.

(2) Before making any modifications in the finally prepared Regional Plan, the Board shall publish a notice, in such form and in such manner as may be prescribed, indicating therein the modifications which are proposed to be made in the finally prepared Regional Plan, and inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by it on or before the date so specified.

(3) Every modification made under this section shall be published in such manner as the Board may specify and the modifications shall come into operation either on the date of such publication or on such later date as the Board may fix.

(4) If any question arises whether the modifications proposed to be made are modifications which effect important alterations in the character of the Regional Plan or whether they relate to the extent of land-uses or the standards of population density, it shall be decided by the Board whose decision thereon shall be final.

15. (1) After every five years from the date of coming into operation of the finally prepared Regional Plan, the Board shall review such Regional Plan in its entirety and may, after such review, substitute it by a fresh Regional Plan or may make such modifications or alterations therein as may be found by it to be necessary.

Review
and
revision
of the
Regional
Plan.

(2) Where it is proposed to substitute a fresh Regional Plan in place of the Regional Plan which was previously finally prepared or where it is proposed to make any modifications or alterations in the finally prepared Regional Plan, such fresh Plan or, as the case may be, modifications or alterations, shall be published and dealt with in the same manner as if it were the Regional Plan referred to in sections 12 and 13 or as if they were the modifications or alterations in the Regional Plan made under section 14.

CHAPTER V

FUNCTIONAL PLANS, SUB-REGIONAL PLANS AND PROJECT PLANS

16. After the Regional Plan has come into operation, the Board may prepare, with the assistance of the Committee, as many Functional Plans as may be necessary for the proper guidance of the participating States and of the Union territory.

Prepara-
tion of
Func-
tional
Plans.

17. (1) Each participating State shall prepare a Sub-Regional Plan for the sub-region within that State and the Union territory shall prepare a Sub-Regional Plan for the sub-region within the Union territory.

Prepara-
tion of
Sub-
Regional
Plans.

(2) Each Sub-Regional Plan shall be a written statement and shall be accompanied by such maps, diagrams, illustrations and descriptive matters as the participating State or the Union territory may deem appropriate for the purpose of explaining or illustrating the proposals contained in such Sub-Regional Plan and every such map, document, illustration and descriptive matter shall be deemed to be a part of the Sub-Regional Plan.

(3) A Sub-Regional Plan may indicate the following elements to elaborate the Regional Plan at the sub-regional level, namely:—

(a) reservation of areas for specific land-uses which are of the regional or sub-regional importance;

(b) future urban and major rural settlements indicating their area, projected population, predominant economic functions, approximate site and location;

(c) road net-work up to the district roads and roads connecting major rural settlements;

(d) proposals for the co-ordination of traffic and transportation, including terminal facilities;

(e) priority areas at sub-regional level for which immediate plans are necessary;

(f) proposals for the supply of drinking water and for drainage; and

(g) any other matter which is necessary for the proper development of the sub-region.

Preparation of Project Plans.

18. A participating State, or the Union territory, may, by itself or in collaboration with one or more of the participating States or the Union territory, as the case may be, prepare Project Plans for one or more elements of the Regional Plan, Functional Plan or Sub-Regional Plan.

Submission of Sub-Regional Plans to the Board.

19. (1) Before publishing any Sub-Regional Plan, each participating State or, as the case may be, the Union territory, shall, refer such Plan to the Board to enable the Board to ensure that such Plan is in conformity with the Regional Plan.

(2) The Board shall, after examining a Sub-Regional Plan, communicate, within sixty days from the date of receipt of such Plan, its observations with regard to the Sub-Regional Plan to the participating State or the Union territory by which such Plan was referred to it.

(3) The participating State, or, as the case may be, the Union territory, shall, after due consideration of the observations made by the Board, finalise the Sub-Regional Plan after ensuring that it is in conformity with the Regional Plan.

Implementation of Sub-Regional Plans, etc.

20. Each participating State, or, as the case may be, the Union territory shall be responsible for the implementation of the Sub-Regional Plan, as finalised by it under sub-section (3) of section 19, and Project Plans prepared by it.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

21. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary to enable the Board to carry out its functions under this Act.

Grants and loans by the Central Government.

(2) The Central Government shall also, after due appropriation made by Parliament by law in this behalf, pay to the Board such other sums as may be necessary for meeting the salaries, allowances and other remuneration of the Member-Secretary, officers' and other employees of the Board and such amounts as may be necessary to meet the other administrative expenses of the Board.

22. (1) There shall be constituted a Fund to be called the National Capital Regional Planning Board Fund and there shall be credited thereto--

Constitution of the Fund.

(a) any grants and loans made to the Board by the Central Government under section 21;

(b) all sums paid to the Board by the participating States and the Union territory; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government in consultation with the participating States and the Union territory.

(2) The sums credited to the said Fund referred to in sub-section (1) shall be applied for--

(a) meeting the salaries, allowances and other remuneration of the Member-Secretary, officers and other employees of the Board and for meeting other administrative expenses of the Board, so, however, that the total expenses shall not exceed the amount appropriated for this purpose under sub-section (2) of section 21;

(b) conducting surveys, preliminary studies and drawing up of plans for the National Capital Region;

(c) providing financial assistance to the participating States and the Union territory for the implementation of Sub-Regional Plans and Project Plans; and

(d) providing financial assistance to the State concerned for the development of the counter-magnet area subject to such terms and conditions as may be agreed upon between such State and the Board.

23. The Board shall, in each financial year, prepare in such form and at such time as may be prescribed its budget for the next financial year and forward the same to the Central Government at least three months prior to the commencement of the next financial year.

Budget.

Annual
report.

24. The Board shall prepare in each financial year its annual report in such form and at such time as may be prescribed, giving a full account of its activities during the financial year immediately preceding the financial year in which such report is prepared and forward, before such date as may be prescribed, copies thereof to the Central Government, the participating States and the Union territory.

Accounts
and audit.

25. The accounts of the Board shall be maintained and audited in such manner as may be prescribed in consultation with the Comptroller and Auditor-General of India and the Board shall furnish, to the Central Government, before such date as may be prescribed, a copy of its audited accounts together with the auditors' report thereon.

Annual
report and
auditors'
report
to be
laid
before
Parliament.

26. The Central Government shall cause the annual report and the auditors' report to be laid as soon as may be after their receipt, on the Table of each House of Parliament while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions.

CHAPTER VII

MISCELLANEOUS

Act
to have
overriding
effect.

27. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act; or in any decree or order of any court, tribunal or other authority.

Power of
the Cen-
tral Gov-
ernment
to give
directions.

28. The Central Government may, from time to time, give such directions to the Board as it may think fit for the efficient administration of this Act and when any such direction is given, the Board shall carry out such directions.

Violation of
Regional
Plan.

29. (1) On and from the coming into operation of the finally published Regional Plan, no development shall be made in the region which is inconsistent with the Regional Plan as finally published.

(2) Where the Board is satisfied that any participating State or the Union territory has carried out, or is carrying out, any activity which amounts to a violation of the Regional Plan, it may, by a notice in writing, direct the concerned participating State or the Union territory, as the case may be, to stop such violation of the Regional Plan within such time as may be specified in the said notice and in case of any omission or refusal on the part of the concerned participating State or the Union territory to stop such activity, withhold such financial assistance to the concerned participating State or the Union territory, as the Board may consider necessary.

30. (1) The Central Government may direct its Town and Country Planning Organisation to provide, on such terms and conditions as may be mutually agreed upon, such technical assistance to the Board as that Government may consider necessary and the Government of a participating State may direct the Town Planning Department of that Government to make such technical assistance to the Board as that Government may consider necessary.

Technical assistance to the Board.

(2) With a view to enabling the Committee to discharge its functions, the Board shall, out of the technical assistance received by it under sub-section (1) make available to the Committee such technical assistance as the Committee may require.

31. (1) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and employees of the Board.

(2) The terms and conditions of the officers and employees of the Board shall be such as may be determined by regulations.

32. The Board may, by notification in the Official Gazette, direct that any function or power (other than the power to approve the Regional Plan and to make regulations), or duty which the Board may perform, exercise or discharge under this Act shall subject to such conditions, if any, as may be specified in the notification, be performed, exercised or discharged also by such person or persons as may be specified in the notification and where any such delegation of power is made the person or persons to whom such power is delegated shall perform, exercise or discharge those powers in the same manner and to the same extent as if they were conferred on him or them directly by this Act and not by way of delegation.

Power to delegate.

33. Subject to any rules made in this behalf, any person generally or specially authorised by the Board in this behalf, may, at all reasonable times, enter upon any land or premises and do such things thereon as may be necessary for the purpose of lawfully carrying out any works or for making any survey, examination or investigation, preliminary or incidental to the exercise of any power or performance of any function by the Board under this Act:

Power of entry.

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house without previously giving the occupier thereof at least three days' notice in writing of his intention to do so.

34. The Member-Secretary, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Member-Secretary, officers and other employees of the Board to be public servants.

Protection
of action
taken in
good
faith.

35. No suit, prosecution or other legal proceeding shall lie against the Board or any member or any officer or any other employee of the Board including any other person authorised by the Board to exercise any power or to discharge any function under this Act, or for anything which is in good faith done or intended to be done under this Act.

Power to
make rules.

36. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and number of the members of the Board and of the Committee, as required by sub-section (3) of section 3 and sub-section (2) of section 4, respectively, to be prescribed;

(b) the terms and conditions of the office of the members as required by sub-section (4) of section 3, to be prescribed;

(c) the form and manner in which notice under sub-section (1) of section 12 and sub-section (2) of section 14 shall be published;

(d) the manner in which notice under sub-section (1) of section 13 shall be published;

(e) the form in which and the time at which the Board shall prepare its budget under section 23 and its annual report under section 24 and the manner in which the accounts of the Board shall be maintained and audited under section 25;

(f) the conditions and restrictions with respect to the exercise of the powers to enter under section 33 and other matters relating thereto; and

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to
make
regulations.

37. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the manner in which and the purposes for which the Board may associate with itself any person under section 11;

(b) the terms and conditions of service of the officers and employees of the Board under sub-section (2) of section 31; and

(c) any other matter in respect of which provision is to be, or may be, made by regulations.

Rules and
regulations
to be laid
before
Parliament.

38. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any

modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

39. (1) Where the Central Government is satisfied that the purposes for which the Board was established under this Act have been substantially achieved or the Board has failed in its objectives, so as to render the continued existence of the Board in the opinion of the Central Government unnecessary, that Government may, by notification in the Official Gazette, declare that the Board shall be dissolved with effect from such date as may be specified in the notification; and the Board shall be deemed to be dissolved accordingly.

Dissolution
of the
Board.

(2) From the said date—

(a) all properties, funds and dues which are vested in or realisable by the Board shall vest in, or be realisable by, the Central Government;

(b) all liabilities which are enforceable against the Board shall be enforceable against the Central Government;

(c) for the purpose of carrying out any development which has not been fully carried out by the Board and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Board shall be discharged by the Central Government.

(3) Nothing in this section shall be construed as preventing the Central Government from reconstituting the Board in accordance with the provisions of this Act.

40. For the removal of doubts, it is hereby declared that the acquisition of land or the determination of any right or interest in, or in relation to, any land or other property, where necessary to give effect to any Regional Plan, Functional Plan, Sub-Regional Plan or Project Plan, shall be made by the Government of the concerned participating State, or, as the case may be, the Union territory, in accordance with the law for the time being in force in that State or Union territory.

Acquisition
of land
and de-
termina-
tion of
rights
in relation
to land
to be
made by
the
Govern-
ment of
the parti-
cipating
State
or Union
territory.

11 of 1984.

41. (1) The National Capital Region Planning Board Ordinance, 1984, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See section 2(f)]

The National Capital Region shall comprise the following areas:—

1. *Delhi*

The whole of the Union territory of Delhi.

2. *Haryana*

(i) The whole of District of Gurgaon comprising the Tehsils of Gurgaon, Nuh and Ferozepur-Jhirka;

(ii) The whole of District of Faridabad comprising the Tehsils of Ballabgarh, Palwal and Hathin;

(iii) The whole of District of Rohtak comprising the Tehsils of Rohtak, Jhajjar, Bahadurgarh, Meham and Kosli;

(iv) The whole of District of Sonapat comprising the Tehsils of Sonapat and Gohana; and

(v) Panipat Tehsil of District of Karnal and Rewari Tehsil of District of Mohindergarh.

3. *Uttar Pradesh*

(i) The whole of District of Bulandshahr comprising the Tehsils of Anupshahr, Bulandshahr, Khurja and Sikanderabad;

(ii) The whole of District of Meerut comprising the Tehsils of Meerut, Bagpat, Mawana and Sardhana; and

(iii) The whole of District of Ghaziabad comprising the Tehsils of Ghaziabad and Hapur.

4. *Rajasthan*

(i) The whole of the following Tehsils of Alwar District, namely, Behroor, Mandawar, Kishangarh and Tijara; and

(ii) Part of Alwar Tehsil comprising the area bounded in the north by the Tehsil boundaries of Mandawar and Kishangarh, in the east of the boundaries of Tehsil Ferozepur-Jhirka of District Gurgaon, Haryana and Alwar Tehsil, in the south by the Barah river right up to Umran lake in the west, and then following the southern boundaries of Umran lake up to the junction of Umran lake and State Highway from Alwar to Bairat and from then on west by north-west across the ridge up to the junction of the Tehsil boundaries of Alwar and Bansur.

Explanation.—Save as otherwise provided, reference to any district or tehsil in this Schedule shall be construed as a reference to the areas comprised in that district or tehsil, as the case may be, on the 27th day of August, 1984, being the date on which the National Capital Region Planning Board Bill, 1984, was introduced in the House of the People.

STATEMENT OF OBJECTS AND REASONS

The objective of the Delhi Development Act, 1957 (61 of 1957) was to promote and to secure the development of Delhi in accordance with the Master Plan and Zonal Development Plans. The Master Plan approved by the Central Government in 1962, recommended that the plan for planning the metropolis could not be considered complete without its metropolitan regional dimensions. It highlighted, among other things, the need for integrated planning and co-ordinating development of the Delhi Metropolitan Area and the National Capital Region to achieve an orderly and balanced growth of Delhi and its surrounding areas. Taking cognizance of this recommendation in the Master Plan for Delhi, Government of India had set up a high powered Board in 1961 for the co-ordination of the regional planning activities in the National Capital Region so as to secure the collaboration of the State Governments concerned in the formulation and the implementation of regional plan. This Board, being only advisory in its capacity, could not effectively tackle the programme of preparation and implementation of the regional plan. In 1980 it was decided that the National Capital Region concept should be revitalised and the region as a whole should be taken up for co-ordinated development. An agreement was reached in August, 1982, between the Chief Ministers of the States of Uttar Pradesh, Haryana and Rajasthan and Lt. Governor of Delhi on the one hand and the Union Minister of Works and Housing on the other on the need for a co-ordinating, statutory machinery at the central level for the planning, monitoring and development of the National Capital Region and also of need for the harmonized policy for land-uses and other infrastructure to avoid haphazard developments in the region.

2. Accordingly, a Bill (the National Capital Region Planning Board Bill, 1984) providing for the replacement of the aforesaid high-powered Board by a statutory Board known as the National Capital Region Planning Board, and other connected matters, was introduced in the Seventh Lok Sabha on 27th August, 1984. This Bill, however, was not passed and it lapsed on the dissolution of the Seventh Lok Sabha. As the intention of the Government became public through this Bill, it was felt that land-holders and colonizers would tend to dispose of, build or develop properties in the areas concerned leading to haphazard growth defeating the very purpose of the legislation. Keeping this and other aspects in view, the National Capital Region Planning Board Ordinance, 1984 was promulgated by the President on 19-10-1984.

3. The Ordinance provided for the establishment of a statutory Board—the National Capital Region Planning Board consisting of the Union Minister of Works and Housing as its Chairman and the Chief Ministers of the States of Haryana, Uttar Pradesh and Rajasthan and eleven other members to be nominated by the Central Government in consultation with the participating States and the Union territory of Delhi. The Ordinance conferred on the Planning Board, powers with

respect to the preparation, modification, revision and review of a regional plan for the development of the National Capital Region and the preparation of functional plans for the proper guidance of the participating States and the Union territory of Delhi while leaving with the participating States and the Union territory of Delhi the power to prepare sub-regional plans and project plans. The Ordinance also empowered the Planning Board to co-ordinate and monitor the implementation of the regional plan and to evolve a harmonized policy for control of land-uses and development of infrastructure in the National Capital Region so as to avoid haphazard development of the region. The Ordinance also provided for the establishment of a Planning Committee consisting of the officers and town-planners of the participating States and the Union territory of Delhi to assist the Planning Board in the discharge of its functions.

4. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 15th January, 1985.

ABDUL GHAFOR,

FINANCIAL MEMORANDUM

An agreement had been reached between the Chief Ministers of Haryana, Rajasthan and Uttar Pradesh as well as the Lt. Governor of Delhi and the Union Minister of Works and Housing on 30-8-1982 on the need for a co-ordinating machinery at the central level for planning, monitoring and development of the National Capital Region at the regional level and on the need for harmonized policy of land-use and other infrastructure to avoid haphazard development in the region. In order to achieve this objective, it was decided that a statutory co-ordinating body may be set up in order to prepare plans at the regional level, to channel funds to the participating States and to facilitate plan implementation by them and the Union territory.

2. Clause 3 of the Bill seeks to constitute the National Capital Region Planning Board to plan and monitor the development of the National Capital Region and such Board will have its own funds as indicated in the succeeding paragraphs.

3. As provided in clause 21(2) of the Bill, the expenditure on the staff and the contingencies of the Board will be met from the grant from the Consolidated Fund of India. The expenditure on this account may approximately be about Rs. 10 lakhs per annum initially and Rs. 20 lakhs per annum in subsequent years.

4. With regard to the implementation of the National Capital Region Plan to be carried out by the participating State Governments and Union territory, the Government of India will provide the Board, under clause 21(1) of the Bill, with annual financial assistance and with annual contribution to the special funds created for the purpose under the Act. The National Capital Region Planning Board Fund shall consist of grant or loan made to the Board by the Central Government, of sums paid to the Board by participating States and Union territory, and of sums received by the Board from such other sources as may be decided upon by the Central Government in consultation with the participating States and Union territory. The fund is expected to be applied for meeting the salaries, allowances and other remunerations of the officers of the Board, conducting surveys and preliminary studies and drawing up plans for National Capital Region providing financial assistance to the participating States and Union territory for the implementation of the regional, sub-regional plans and approved project plans, and also providing financial assistance to the concerned States for development of counter-magnets outside the National Capital Region. The Board will advance loan and grant to the participating States and the Union territory of Delhi for specific projects of urban and regional development. The pattern of assistance will be decided by the Central Government in consultation with the participating States. The Central budget contribution will be made from the plan provision for the National Capital Region made in the Sixth Plan and successive Five Year Plans. During the Sixth Plan, a provision of Rs. 10 crores has been made for this purpose. Actual amount of loan to be advanced during a year will depend on the consideration of application made by the Board to the Central Government and on the availability of funds. The Board will be responsible for repayment of loan made by the Central Government from the funds accruing to the Board from loan repayments and development revenues.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 36 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The matters in respect of which rules may be made, *inter alia*, relate to the terms and conditions of the office of the members of the Board, the form and manner in which notice regarding the preparation and finalisation of the National Capital Regional Plan may be given, the form in which and the time at which the Board shall prepare its budget and its annual report and the manner in which the accounts of the Board, shall be maintained.

2. Clause 37 of the Bill empowers the Board established under the proposed legislation to make regulations with the previous approval of the Central Government by notification in the Official Gazette, not inconsistent with the provisions of the Bill and the rules made thereunder, to provide for all such residuary matters for which provision is expedient for giving effect to the provisions of the proposed legislation. These matters, *inter alia*, relate to the manner in which and the purposes for which the Board may associate with itself any person, the terms and conditions of service of the officers and employees of the Board.

3. The matters in respect of which such rules and regulations may be made pertain to matters of procedure and administrative details. The delegation of legislative power is, therefore, of a normal character.

III

BILL NO. II OF 1985

A Bill further to amend the Sugar Undertakings (Taking Over of Management) Act, 1978.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sugar Undertakings (Taking Over of Management) Amendment Act, 1985.

Short
title
and
com-
mence-
ment.

(2) It shall be deemed to have come into force on the 20th day of November, 1984.

2. In section 3 of the Sugar Undertakings (Taking Over of Management) Act, 1978 (hereinafter referred to as the principal Act), in the proviso to sub-section (5), for the words "six years", the words "seven years" shall be submitted.

Amend-
ment of
section
3 of Act
49 of 1978.

14 of 1984. 3. (1) The Sugar Undertakings (Taking Over of Management) Amendment Ordinance, 1984, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Sugar Undertakings (Taking Over of Management) Act, 1978, was enacted for enabling the Central Government to take over the management of Sugar Undertakings for a period not exceeding 3 years with the object of ensuring the reduction of cane price arrears and the continued operation of the units. The Act was amended in November, 1981, to provide for management to vest in the Central Government for a total period of 6 years and the period of vesting of the sugar undertakings in the Central Government was extended by 3 years in each case. Under the Act, at present, 8 sugar units are under the management of the Central Government.

2. For achieving the objectives of the Act, Government had to advance loans towards working capital, including payment of cane price dues, to the undertakings taken over under the Act. This has produced good results in terms of maintaining cane crushing. For administrative and logistic considerations, it was not considered feasible to return the mills to the owners at the end of the 6 years period. In view of the urgency and as Parliament was not in session, the President promulgated the Sugar Undertakings (Taking Over of Management) Amendment Ordinance, 1984 to increase the maximum period for which management of sugar undertakings might remain vested in the Central Government under the Act from six years to seven years.

3. The Bill seeks to replace the said Ordinance.

NEW DELHI;
The 15th January, 1985.

RAO BIRENDRA SINGH.

FINANCIAL MEMORANDUM

The Sugar Undertakings (Taking Over of Management) Act, 1978, provides for incurring of expenditure on account of payments to the Custodian-General, payments of amounts to the owners of sugar undertakings for their management vesting in the Central Government and for providing financial assistance to the undertakings. The Sugar Undertakings (Taking Over of Management) Amendment Ordinance, 1984 (14 of 1984) sought to amend section 3 of the Act to increase the maximum period for which the management of any sugar undertaking might remain vested in the Central Government from 6 years to 7 years. The additional expenditure which may have to be incurred as a result of this provision, will depend upon the nature and circumstances of the undertakings the management of which may be retained with the Central Government for a period beyond 6 years and cannot, therefore, be estimated accurately. So far, the expenditure incurred on grant of loans to the units taken over under the provisions of the Act total Rs. 3116.06 lakhs, of which Rs. 491.04 lakhs has been recovered towards principal. By extending the take-over period by one year, Government may have to incur some expenditure towards short term loans in respect of the units whose managements are already vested in the Central Government. The liability on account of payments to the owners under section 6 of the Act for 6 years is about Rs. 7.00 lakhs (about Rs. 1.17 lakhs a year). The expenditure incurred so far on this account is Rs. 3,00,112. No expenditure has so far been incurred under section 5(7) on the remuneration of the Custodian-General. Efforts have so far been made to provide the necessary directions to the managements without the formal appointment of a Custodian-General. A Custodian-General's Organisation has been created for centralised co-ordination and management of the 8 units at present under the Government's management. The annual expenditure on account of the post of Custodian-General will be about Rs. 1 lakh.

2. The Bill, if enacted, is not likely to involve any other recurring or non-recurring expenditure.

IV

BILL NO. IV OF 1985

A Bill further to amend the Gangtok Municipal Corporation Act, 1975.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on the 17th day of December, 1984.

Amend-
ment of
section 3.

2. In the Gangtok Municipal Corporation Act, 1975 (hereinafter referred to as the principal Act), in section 3, in the proviso to sub-section (5), for the words "one year", the words "one year at a time, but not beyond a total period of two years" shall be substituted.

Sikkim
'Act No.
IV of
1975.

Repeal
and
saving.

3. (1) The Gangtok Municipal Corporation (Amendment) Ordinance, 1984, is hereby repealed.

Sikkim
Ordi-
nance
No. 1 of
1984.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

According to sub-section (3) of section 3 of the Gangtok Municipal Corporation Act, 1975 the first Councillors were nominated to the Corporation for a period of four years commencing from the date of its first meeting which was held on 18th December, 1975. Their term expired on 17th December, 1979. Sub-section (5) of section 3 of the said Act provides for the appointment of an officer as Administrator for the Corporation for a period of four years or until the reconstitution of the Corporation, whichever is earlier. The proviso to the said sub-section (5) empowered the State Government to extend this period of four years for a further period of one year. The term of the Administrator so appointed was due to expire on 17th December, 1984. Since it was not possible to hold elections for the reconstitution of the Corporation before 17th December, 1984, the Governor of Sikkim, with the prior instructions of the President, promulgated an Ordinance on 17th December, 1984 amending the Gangtok Municipal Corporation Act, 1975 so as to empower the State Government to extend the period of appointment of the Administrator for a further period of one year at a time but not beyond a total period of two years.

The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 15th January, 1985.

ABDUL GHAFOR.

SUDARSHAN AGARWAL,
Secretary-General.

